# FILED

# CUSTOMER'S MOTION TO CHALLENGE GOVERNMENT'S ACCESS TO FINANCIAL RECORDS NOV 2 1 2019

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

CLERK, U.S. WESTERN DI BY	DISTRICT STRICT OF	TEXAS
·	DEPLITY	CLERK

DANIEL C. LEE, JR. Movant	SA19MC136QKP
V.	) Miscellaneous No
	)
	)
DEPARTMENT OF DEFENSE	)
Respondent	)

## MOTION FOR ORDER PURSUANT TO CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978

## TO THE HONORABLE JUDGE OF SAID COURT:

DANIEL C. LEE, JR. hereby moves this Court pursuant to Section 3410 of the Right to Financial Privacy Act of 1978, 12 United States Code 3401, et seq. for an order preventing the Government from obtaining access to my financial records. The agency seeking, access is the Department of Defense.

My financial records are held by Frost Bank.

In support of this motion, the Court is respectfully referred to my sworn statement filed with this motion.

Respectfully submitted,

Daniel C. Lee, Jr.

Pro Se

843 F Street San Antonio, Texas 78220

(210) 663-6978

Case 5:19-mc-01360-JKP Document 1 Filed 11/21/19 Page 2 of 32

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# CUSTOMER'S SWORN STATEMENT FOR FILING A CHALLENGE.S. DISTRICTION

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

DEPUTY CLERK

DANIEL C. LEE, JR. Movant

\$A19MC1360JKF

V.

Miscellaneous No.

DEPARTMENT OF DEFENSE Respondent

## **SWORN STATEMENT OF MOVANT**

#### FINANCIAL PRIVACY ACT OF 1978

I, DANIEL C. LEE, JR., am presently a customer of Frost Bank, and I am the customer whose records are being requested by the Government.

The financial records sought by the Department of Defense are not relevant to the legitimate law enforcement inquiry stated in the Customer Notice that was sent to me because I notified the Department of Defense on the day my father died of his death and the monthly amount was reduced thereafter approximately from \$2,300 per month down to \$1,600.00 per month. My father was a minister and I am a minister myself. Neither he nor I would ever defraud anyone, let alone the United States government, for any reason whatsoever. I pride myself in living by God's laws and I do! The government was obviously aware of his death as burial arrangements were made at Ft. Sam Houston National Cemetery for his burial as a service member. Funeral program is attached.

I figured that his monthly payment was reduced because I notified the Department of Defense of his death. I had general power of attorney. Copy is attached of same.

The financial records sought by the Department of Defense should not be disclosed on the following other legal basis: My father left a Will, which is attached and it was probated, I was named as the sole beneficiary and executor of his Will. The documentation is attached. He left everything that he owned or had an interest in to me. My father and I had a joint account at Frost Bank

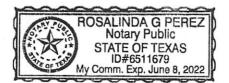
#018614335. I am the sole beneficiary to his entire estate and any of his government benefits belonged to me after his death. I do not understand why the Department of Defense is harassing me.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 20, 2019

DANIEL C. LEE, JR.

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, in and for the State of Texas on this the 20 day of November , 2019



NOTARY PUBLIC in and for Bexar County, Texas

## **CERTIFICATE OF SERVICE**

I have mailed a copy of this motion and attached sworn statement to Inspector General of the Department of Defense, c/o DoD IG Subpoena Program Office, 4800 Mark Center Drive, Suite 11H25, West Tower, Alexandria, VA 22350-1500 on the Office day of November, 2019.

Daniel C. Lee, Jr.



#### DEFENSE FINANCE AND ACCOUNTING SERVICE INTERNAL REVIEW CRIMINAL INVESTIGATIONS BRANCH 8899 East 56th Street, Room 206 V-1 Indianapolis, IN 46249

## NOTICE TO CUSTOMER

Daniel C. Lee, Jr. 843 F Street San Antonio, TX 78220

Dear Daniel C. Lee:

Records or information concerning your transactions held by the financial institution named in the attached subpoena are being sought by the Office of the Inspector General, Department of Defense, in accordance with the Right to Financial Privacy Act of 1978, 12 U.S.C. §§ 3401 et seq., for the following purpose(s):

To refute or support allegations that during the approximate period of January 1, 2007 through the present, you received retirement benefits for a former U.S. service member to which you were not entitled, in violation of 18 United States Code (U.S.C.) §641 – Theft and Embezzlement of Public Money.

If you desire that such records or information not be made available, you must:

- (1) Fill out the accompanying motion paper and sworn statement (as indicated by the instructions beneath each blank space) or write one of your own, stating that you are the customer whose records are being requested by the Government, and either giving the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.
- (2) File the motion and sworn statement by mailing or delivering them to the Clerk of any one of the following United States District Courts:

Virginia Eastern District Court Albert V. Bryan United States Courthouse, 2<sup>nd</sup> Floor 401 Courthouse Square Alexandria, VA 22314 (703) 299-2100

Texas Western District Court John H. Wood Jr. States Courthouse 655 East Cesar E. Chavez Boulevard Austin, TX 78206 (210) 472-6550 Texas Western District Court United States Courthouse 501 West 5<sup>th</sup> Street Austin, TX 78701 (512) 916-5896

(It would simplify the proceeding if you would include with your motion and sworn statement a copy of the attached subpoena, as well as a copy of this notice.)

- (3) Serve the Government authority requesting the records by mailing (by registered or certified mail) or by delivering a copy of your motion and sworn statement to: Inspector General of the Department of Defense, c/o DoD IG Subpoena Program Office, 4800 Mark Center Drive, Suite 11H25, West Tower, Alexandria, VA 22350-1500.
- (4) Be prepared to come to court and present your position in further detail.
- (5) You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of ten days from the date of service or fourteen days from the date of mailing of this notice, the records or information requested therein may be made available. These records may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer.

Sincerely,

SUSAN K. MARBACH Operations Chief Criminal Investigations Branch, DFAS

#### Enclosures:

Subpoena Duces Tecum
Appendix A
Statement of Customer Rights under the
Right to Financial Privacy Act of 1978
Instructions for Completing and Filing
Motion and Sworn Statement
Motion Form
Sworn Statement Form
Certificate of Service

# United States of America Department of Defense Office of the Inspector General

#### SUBPOENA DUCES TECUM

TO: <u>Custodian of Records, Frost Bank, ATTN: Corporate Counsel/Susan Murr, 111 Houston</u> Street, 11th Floor, San Antonio, Texas 78205

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE Special Agent Jodie L. Puskar, or any Special Agent of the Defense Finance and Accounting Service (DFAS), Internal Review Criminal Investigations Branch (DICIB) acting on behalf of the Inspector General, pursuant to the Inspector General Act of 1978 (5 U.S.C. App. 3), at Defense Criminal Investigative Service, DFAS DICIB Investigations, Columbus Resident Agency, 4449 Easton Way, Suite 375, Columbus, Ohio 43219 on the 31st day following the financial institution's receipt of this subpoena at 10 o'clock a.m. of that day.

You are hereby required to bring with you and produce at said time and place the following information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence pertaining to any and all Frost Bank account(s), to include account number: 018614335, held solely or jointly by Daniel Lee, believed to be utilized in a scheme to defraud the Department of Defense, for the period January 1, 2007 through the date of this subpoena, as specified in Appendix A, which are necessary in the performance of the responsibility of the Inspector General under the Inspector General Act.

IN TESTIMONY WHEREOF, the signature of the duly authorized representative of the Inspector General of the Department of Defense is affixed at Alexandria, Virginia.

WINSTEAD.LAUR Digitally signed by WINSTEAD.LAURA.N.139871998
A.N.1398719987

7
Date: 2019.11.05 08:38:44 -05'00'

Laura N. Winstead Associate General Counsel, Office of General Counsel

UNIQUE IDENTIFICATION NUMBER: 2020039-22773

## APPENDIX A

## A. DEFINITIONS:

- 1. The terms "document" or "documents" mean any written, recorded, graphic material of any kind, including photostats, microfilms, microfiche, tape or disc recordings, computer printouts and other data electronically obtained or otherwise stored from which information can be obtained, either directly, indirectly or by translation, through devices or readers, whether prepared by your or any other person, that is in your possession, custody or control. Any such document is to be produced in a reasonable useable form.
- 2. The terms "document" and "documents" include the original document (or copy thereof if the original is not in your possession, custody or control) and all copies that differ in any respect from the original or that bear any notation, marking or information not on the original.
- 3. The term "account(s)" means bank accounts, whether open or closed, including but not limited to checking accounts, savings accounts, and credit card accounts.

## **B. DOCUMENTS REQUIRED:**

Any and all any and all Frost Bank account(s), to include account number: 018614335, held solely or jointly by **Daniel Lee**, believed to be utilized in a scheme to defraud the Department of Defense, for the period January 1, 2007 through the date of this subpoena. Documents include, but are not limited to:

- 1. Documents pertaining to all accounts, including but not limited to:
  - a. Documents reflecting account ownership in effect during the identified period, including signature cards;
  - b. Monthly account statements;
  - c. Automatic Teller Machine (ATM) withdrawal and point of sale debits:
  - d. Deposit tickets;
  - e. Copies of checks written on the named account and/or deposited into the named account; and
  - f. Wire transfer documents.
- 2. Documents pertaining to all cashier's, manager's, or bank checks, traveler's checks, and money orders purchased or negotiated by any of the named parties or entities, including but not limited to:

UNIQUE IDENTIFICATION NUMBER: 2020039-22773

- a. Documents (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which the checks or money orders were purchased;
- b. Documents, including bank checks, credit memos, cash out tickets, wires out, etc., reflecting disbursements of the proceeds of any negotiated checks or money orders;
- c. Applications for purchase of checks or money orders; and
- d. Copies of negotiated checks or money orders.
- 3. Documents pertaining to wire transfers sent or received by any of the names parties or entities, including but not limited to:
  - a. Fed Wire, CHIPS, SWIFT, or other money transfer of message documents;
  - b. Documents, including checks, debit memos, cash in tickets, wires in, etc., reflecting the source of the funds wired out;
  - c. Documents, including bank checks, credit memos, cash out tickets, wires out, etc., reflecting the ultimate disposition within the bank of the funds wired in; and
  - d. Notes, memoranda, or other writings pertaining to the sending or receipt of wire transfers.
- 4. Documents pertaining to electronic device and account access, including but not limited to:
  - a. Source IP address with date/time stamp of online-based banking account creation and/or activation;
  - b. Source device information for account access from mobile banking applications, including mobile device type/model used, telephone number, and International Mobile Equipment Identity Number (IMEI), with associated date/time stamps of ALL activity:
  - c. Source device information for account access from a personal computer, including PC type/model/operating system used and Media Access Control (MAC) address, with associated date/time stamps of ALL activity; and
  - d. Source IP address and date/time of web-based activity for ALL online banking activity with date/time stamp.

# STATEMENT OF CUSTOMER RIGHTS UNDER THE FINANCIAL PRIVACY ACT OF 1978

Federal law protects the privacy of your financial records. Before banks, savings and loan associations, credit unions, credit card issuers, or other financial institutions may give financial information about you to a federal agency, certain procedures must be followed.

CONSENT TO FINANCIAL RECORDS: You may be asked to consent to the financial institution making your financial records available to the Government. You may withhold your consent, and your consent is not required as a condition of doing business with any financial institution. If you give your consent, it can be revoked in writing at any time before your records are disclosed. Furthermore, any consent you give is effective for only three months, and your financial institution must keep a record of the instances in which it discloses your financial information.

<u>WITHOUT YOUR CONSENT</u>: Without your consent, a federal agency that wants to see your financial records may do so ordinarily only by means of a lawful subpoena, summons, formal written request, or search warrant for that purpose. Generally, the federal agency must give you advance notice of its request for your records explaining why the information is being sought and telling you how to object in court. The federal agency must also send you copies of court documents to be prepared by you with instructions for filling them out. While these procedures will be kept as simple as possible, you may want to consult an attorney before making a challenge to a federal agency's request.

EXCEPTIONS: In some circumstances, a federal agency may obtain financial information about you without advance notice or your consent. In most of these cases, the federal agency will be required to go to court for permission to obtain your records without giving you advance notice. In these instances, the court will make the Government show that its investigation and request for your records are proper. When the reason for the delay of notice no longer exists, you will usually be notified that your records were obtained.

TRANSFER OF INFORMATION: Generally, a federal agency that obtains your financial records is prohibited from transferring them to another federal agency unless it certifies that the transfer is proper and sends a notice to you that your records have been sent to another agency.

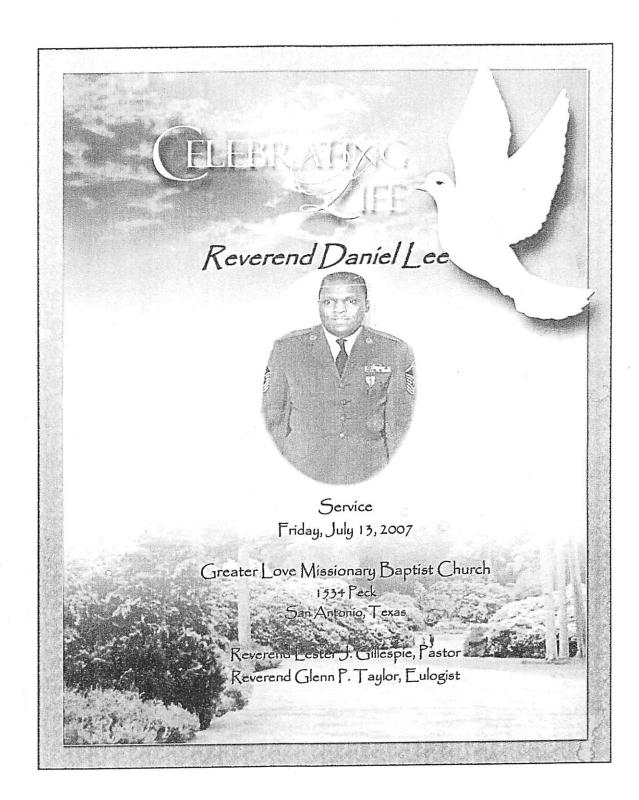
<u>PENALTIES</u>: If the federal agency or financial institution violates the Right to Financial Privacy Act, you may sue for damages or seek compliance with the law. If you win, you may be repaid your attorney's fee and other costs.

<u>ADDITIONAL INFORMATION:</u> If you have any questions about your rights under this law, or about how to consent to release your financial records, please call the official whose name and telephone number appear below:

Special Agent Jodie Puskar
Defense Finance and Accounting Service (DFAS)
Internal Review Criminal Investigations Branch (DICIB)
4449 Easton Way, Suite 375
Columbus, OH 43219
Phone Number: (614) 701-2358
Email Address: jodie.l.puskar.civ@mail.mil

## INSTRUCTIONS FOR COMPLETING AND FILING THE ATTACHED MOTION AND SWORN STATEMENT

- 1. Except where signatures are required, the indicated information should be either typed or printed legibly in ink in the spaces provided on the attachment motion and sworn statement forms. The information required for each space is described in parentheses under each space to be completed.
- 2. The most important part of your motion is the space on the "sworn statement" form where you must state your reasons for believing that the financial records sought are not relevant to the legitimate law enforcement inquiry stated in the attached notice. You may also challenge the government's access to the financial records if there has not been substantial compliance with the Right to Privacy Act or for any other reasons allowed under the law. You should state the facts that are the basis for your challenge as specifically as you can.
- 3. To file your motion with the court, either mail or deliver the original and the proper number of copies, as well as, any required filing fee, to the Clerk of the Court. The filing fee can be paid with cash, certified check, or money order. You are required to check with the Clerk of the Court for the district in which you intend to file to ascertain the correct filing fee and correct number of copies required for filing, as well as to ascertain any other local rules of court that may exist.
- 4. One copy of your challenge papers (motion and sworn statement) and Certificate of Service must be delivered or mailed (by registered or certified mail) to the government official whose name appears in item 3 of the customer notification letter.
- 5. If you have further questions, contact the government official whose name and telephone appear on the Customer Notice.



# The Order of Worship and Celebration

## Reverend N. Jackson, Officiating

Prelude	Organist
Processional	Clergy, Pallbearers and Family
(Final Viewing (	)nce casket is closed it will remain closed)
Scripture Reading:	
	Minister Appointee
	Minister Appointee
Selection	D. Brown and Family
Obituary Read	Silently
Resolutions	
Remarks and Expressions	· •
(Please Limit	Comment to Two Minutes Please)
Musical Solo	Melanie and Jamie
Acknowledgment	Daniel C. Lee
Acknowledgment	Daniel C. Lee
Musical Solo	
Musical Solo	Daniel C. Lee

## Interment



Fort Sam Houston National Cemetery 1520 Harry Wurzbach San Antonio, Texas



Obituary

Reverend Daniel Lee was born to Robert Lee and Sadie Coleman Lee on December 23, 1922 in Talladega, Alabama. He confessed his love and discipleship to Christ; received baptismal in the Cooser River and was called to the ministry at an early age. Reverend Lee attended public school in Talladega, Alabama. He served his country as a member of the United States Air Force and retired as a Senior Master Sergeant.

Reverend Lee departed this life on Monday, July 9, 2007 in San Antonio, Texas. He was greeted on the celestial shores by his parents, one daughter, Francine Hinton; two brothers, Francy and Crawford "Toby" Lee. He leaves to cherish his memory five children, Denise Ellen Page, Jacqueline Iris Lee, Benjamin Lee, Stephanie D. Lee and Daniel Lee, Jr.; two sisters, Rose (Leroy) Callier and Beatrice Swain; four grandchildren, Robin Anderson, Dominion King Lee, Destinee Princess Lee, and Kefa Jaliyl Pereira; three great- grandchildren, Jordan, D'Jole and Yasmeen Anderson.; sister-in-law, Addie Lee, and a host of nieces, nephews, cousins and friends.

## Isalm 23

The Lord is my shepherd, I shall not want...

He makes lie down in green pastures, He leads me beside still waters...
He restores my soul, He leads me in the path of righteousness for his name's sake...
Yea, though I walk through the valley of the shadow of death, I will fear no evil...

For thou art with me, thy rod and thy staff they comfort me...

Thou prepares a table before me in the presence of mine enemies...

Thou anoints my head with oil, my cup runs over...

Surely goodness and mercy shall follow me all the day of my life...

And I will dwell in the house of the Lord forever.



## Active Pallbearers

Michael Brown Adrian J. Nichols James T. Bryant Michael Alexander Andrea J. Nichols Anselmo "Chemo" Leal

Honorary Pallbearers

Roger Warner Reverend Carl LaBruce

## A Botter Place

He is in a better place... Than he's ever been before
All pain is gone; he 's now at rest... Nothing troubles him anymore
It's we who feel the burden of our sadness, and our grief;
We have to cry, to mourn our loss... Before we get relief;
We know we'll reconnect with him... At the end of each life's road;
We'll see his cherished face again... When we release our earthly load.

By Joanna Fuchs

# Acknowledgment

We thank you so very much for your prayers, telephone calls, visits and words of encouragement. We appreciate all of you. May God continue to bless and keep you in our prayers

May God Bless and Keep You!

The family of the late Daniel Lee

FUNERAL ARRANGEMENTS ENTRUSTED TO:

Sulton-Sulton Mortuary, Inc. 320 South WW White Road

320 South WW White Road San Antonio, Texas 78219

Telephone: 210-359-6037 Facsimile: 210-359-9640 www.sutton-suttonmortuary.com "Providing Service with Dignity, Distinction and Dependability"

# DV2KRE RO EBVED

# STATE OF TEXAS SAN ANTONIO METROPOLITAN HEALTH DISTRICT

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This is to certify that this is a true and correct reproduction of the original record as recorded in this office. Issued under authority of Sec. 191.051, Health and Safety Code.

Samuel V. Torres Local Registrar

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611832 Lec

LF205-04 R205-04

## GENERAL POWER OF ATTORNEY

(With Durable Provision)

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO PLEDGE, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. YOU MAY SPECIFY THAT THESE POWERS WILL EXIST EVEN AFTER YOU BECOME DISABLED, INCAPACITATED OR INCOMPETENT. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

TO ALL PERSONS, be it known that I.

of the undersigned Grantor, do hereby make and grant a general power of attorney to

of and do thereupon constitute and appoint said individual as my attorney-in-fact/agent.

My attorney-in-fact/agent shall act in my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters, to the extent that I am permitted by law to act through an agent:

(NOTICE: The grantor must write his or her initials in the corresponding blank space of a box below with respect to each of the subdivisions (A) through (O) below for which the Grantor wants to give the agent authority. If the blank space within a box for any particular subdivision is NOT initialed, NO AUTHORITY WILL BE GRANTED for matters that are included in that subdivision. Cross out each power withheld.)



- (A) Real estate transactions
- (B) Tangible personal property transactions
- (C) Bond, share and commodity transactions
- (D) Banking transactions
- (E) Business operating transactions
- (F) Insurance transactions
- (G) Gifts to charities and individuals other than Attorney-in-Fact/Agent (If trust distributions are involved or tax consequences are anticipated, consult an attorney.)

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Rev. 10/01

SCANNED

This product does not constitute the rendering of legal advice or services. This product is intended for informational use only and is not a substitute for legal advice. State laws vary, so consult an attorney on all legal matters. This product was not necessarily prepared by a person licensed to practice law in your state.

611832 Lec

Claims and litigation

Personal relationships and affairs

Benefits from military service Records, reports and statements

Full and unqualified authority to my attorney-in-fact/agent to delegate any or all of the foregoing powers to any person or persons whom my attorney-in-fact/agent shall select

(M) Access to safe deposit box(es)

To authorize medical and surgical procedures (Pennsylvania only)

(O) All other matters Durable Provision:

If the blank space in the block to the left is initialed by the Grantor, this power of attorney shall not be affected by the subsequent disability or incompetence of the Grantor.

My attorney-in-fact/agent hereby accepts this appointment subject to its terms and agrees to act and perform in said fiduciary capacity consistent with my best interests as he/she in his/her best discretion deems advisable, and I affirm and ratify all acts so undertaken.

TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.

3rd day of May 2004 Signed under seal this Signed in the presence of: Attorney-in Fact/Agent Witness

State of TEXAS County of BexAR

On may 3,200 4

before me

Daniel Lee & Daniel C. Lee personally known

to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Type of ID TEXAS

Known

Produced ID

Page 2

Lee TDL\$5775\$3 Daniel C. Lee TOL 000664:

ZOUTAUG - S FT 2. 2.1 EE GENRY RICKHOFF

LAST WILL AND TESTAMENT OF REV. DANIEL LEE

CLERK PROBATE COURTS
BEXAR COUNT TEXAS

THE STATE OF TEXAS

KNOWN ALL MEN BY THEST

COUNTY OF BEXAR

§ §

PRESENTS:

That I, REV. DANIEL LEE, of 843 F Street, San Antonio, Texas, Bexar County, being of sound and disposing mind and memory and above the age of eighteen (18), do make and publish this my Last Will and Testament, hereby revoking all Wills, by me at any time heretofore made.

FIRST: I direct that all my debts shall be paid as soon as they might accrue.

SECOND: I give, devise and bequeath to my beloved Son, REV. DANIEL CORNELIUS LEE, all the rest and residue of my property of every kind and description of which I may die seized or possessed or in which I may have an interest, whether real, personal or mixed and wherever situated. Including and not limited to the property known as 843 F Street, San Antonio, Texas, Bexar County and all its contents and attachments.

THIRD: If my son, REV. DANIEL CORNELIUS LEE, should predecease me, then the share herein devised and bequeathed to said deceased beneficiary shall descend to his children surviving him, in equal parts, per stirpes; should such deceased beneficiary die without having child or children surviving him, then the share herein devised and bequeathed shall vest in my surviving children.

FOURTH: I hereby appoint my son, REV. DANIEL CORNELIUS LEE, Independent Executor of my will and I direct that no bond shall be required of him and that no other action shall be had in the County Court in relation to the settlement of said estate than the probating and recording of this, my will, and the return of statutory

STATE OF TEXAS COUNTY OF BEXAR CERTIFIED COPY CEINVENTORY, appraisement and list of claims of said estate and all claims due or owing

The page to which this cert cate is affixed may be been lawfully altered to receive the fidential person information but is otherwise a full true and correct copy of the original on file and or record in my office.

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JAN 0 6 2012

GERARD RICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXAS

me at the time of my death. If anyone contests this my Last Will, said person shall be excluded from any distribution of assets listed herein and inventoried. I hereby authorize and empower my said Independent Executor to mortgage, sell dispose of, deliver and convey any portion of my estate, real or personal, at public or private sale, for any price, on any terms and in any manner that may seem to his best, or to lease, pledge or otherwise manage any and all of my property.

This I make and publish as my Last Will, hereunto signing and subscribing my Notember, 2004, in the presence of name. who attest the same at my request.

The above instrument was now here as his Last Will and signed and subscribed by REV. DANIEL LEE, the Testator, in our presence, and we, at his request, in his presence, and in the presence of each other, sign and subscribe our names hereto as attesting witnesses.

WITNESSES

ADDRESSES

STATE OF TEXAS COUNTY OF BEXAR CERTIFIED COPY CERTIFICATE The page to which this certificate is affixed may have been lawfully altered to redect confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office. ESTED:

> JAN 0 8 2012 GERARD FICKHOFF

COUNTY CLERK REXAR COUN

VILO712 PG9167

THE STATE OF TEXAS COUNTY OF BEXAR

BEFORE ME, the undersigned authority, on this day personally appeared REV. DANIEL LEE. 1/ewell Jackson, and Roger Warner, known to me by the Testator and the witnesses, respectively, whose names are subscribed to the annexed or forgoing instrument in their respective capacities, and all of said persons being by me duly sworn, the said Rev. Daniel Lee, Testator, declared to me and to the said witnesses, in my presence that said instrument is his Last Will and Testament and that he had willingly made and executed it as his free act and deed for the purposes therein expressed; and the said witnesses, each on their oaths, stated to me and in the presence and hearing of the Testator that the said Testator had declared to them that said instrument is his Last Will and Testament, and that he executed the same as such and wanted each of them to sign it as a witness; and upon their oaths, each witness stated further that they did sign the same as witnesses in the presence of the said Testator and at his request; and that he was at the time eighteen (18) years of age or over, and was of sound mind and that each of said witnesses was then at least fourteen (14) years of age.

REV. DANIEL LEE
MATERIAL AND
WITNESSES

SUBSCRIBED AND SWORN BEFORE ME by the said Rev. Daniel Lee. Testator, and by the said Newell Tackson and Roger Warner Witnesses, this the 15th day of 1) Osemble 1, 2004.

> Notary Public for the State of Texas DEBORAH R WARNER **Notary Public** My Commission Expires February 14, 2007

STATE OF TEXAS COUNTY OF BEXAR CERTIFIED COPY CERTIFICATE The page to which this certificate is affixed may have been lawfully altered to reduct confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office.

State of Texas

JAN 08 2012 GERARD RICKHUFF

COUNTY CLERK BEXAR COUNTY, TE VEO 7 12 PG 9 1 6 8

ta.

# THE STATE OF TEXAS NOTICE OF APPLICATION FOR PROBATE OF WILL

No. <u>2007PC2379</u>	FILED
	IN MATTERS PROBATE
Estate of: REV. DANIEL LEE, DECEASED	
	2007 450 1 4 11 20
To any Sheriff or any Constable within the State of Texas - GR	EETING: 2007 AUG -6 A 11: 38
YOU ARE HEREBY COMMANDED to cause to be posted (for TEN	1
of posting, before the return hereof), in Bexar County, at t	
County, a copy of the following Notice:	
THE STATE OF TEXAS	They
TO ALL PERSONS interested in the Estate of	
REV. DANIEL LEE, DECEASED	V
Number 2007PC2379	
REV. DANIEL CORNELIUS LEE	
has filed in the Probate Court No. 1, of Bexar County, an	annlication for the probat
of the last will and testament of	application for the probac
REV. DANIEL LEE, DECEASED	
REV. DARIEL LEE, DECEMBED	
and for letters testamentary thereunder, which may be heard	<del>-</del>
o'clock a.m. the first Monday after the service is perfected,	
day of <u>August</u> , A.D. <u>2007</u> at the Courthouse thereof,	<del>-</del>
before which time all persons interested in said Estate are	cited to appear by filing a
written answer to said application and contest the same should	they desire to do so.
HEREIN FAIL NOT, but have you then and there before said	Court this writ, with your
return thereon endorsed, showing how you executed the same.	
GIVEN under my hand and seal of said Court, at office, i	
this the 6TH day of August , A.D. 2007 Issued same	
GERARD Probate C	RICKHOFF, SLERK,
	unty, Texas
	4/1/
By CAROL	YN PHILLIPS Deputy
CARO	IN PRELITES
SHERIFF'S RETURN //	
Came to hand on the 6TH day of August A.D. $\frac{\sqrt{20}}{20}$	07 at o'clock
m., and executed on the 6TH day of August A.D.	
of this notice at the Courthouse door in Bexar County, Texas.	, 2, posterio
DAY DU TAD	DC
RALPH LOP	EZ  Bexar County, Texas
SHELLIL,	$\infty$
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FEE \$	, Deputy
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(DKP017) &	ORIGINAL

**ESTATE OF** 

IN THE PROBATE COMPAUG -3 PM 2: 27

REV. DANIEL LEE,

NUMBER GERRY RICKHOFF OLERK PROBATE COURTS
BEXAR COUNTY, TEXAS

**DECEASED** 

APPLICATION FOR PROBATE OF WILL AND ISSUANCE OF LETTERS
TESTAMENTARY

TO THE HONORABLE JUDGE OF SAID COURT:

POST NOTICE

NOW comes REV. DANIEL CORNELIUS LEE, hereinafter called Applicant, and would respectfully show the Court the following:

I.

The Applicant, REV. DANIEL CORNELIUS LEE, is domiciled in San Antonio, Bexar County, Texas.

II.

The Decedent, REV. DANIEL LEE, died on or about June 9, 2007, in San Antonio, Bexar County, Texas, and at the time of his death Decedent was 84 years of age; that more than four (4) years have not elapsed since his death and prior to this application.

III.

This Court has jurisdiction and venue because Decedent was a resident of Bexar County, and because the principal estate of Decedent was in Bexar County, Texas.

IV.

The Decedent owned real and personal property with a probable value in excess of \$10,000.00.

٧.

The Decedent left a Will dated December 15, 2004 with ROGER WARNER and NEWELL JACKSON of San Antonio, Texas, subscribing their names to said Will as witnesses of the execution thereof by the Decedent. The Applicant will show the Count

VOL 0712 PG 9164

that said Will is not a self-proving Will and that Applicant will prove the Will in accordance with Section 84 of the Texas Probate Code. Applicant will show the court that said Will named Applicant as Independent Executor.

VI.

That no child or children were born to or adopted by Decedent after the making of said Will.

VII.

The Applicant will show the Court the Decedent was never divorced.

VIII.

The Applicant will show the Court that he is not disqualified by law from accepting Letters Testamentary.

IX.

The Applicant will still further show the court there is no state governmental agency or charitable organization named in the Will as devisee.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that citation be issued as required by law, and that upon hearing hereof, said Will be admitted to probate and that Letters Testamentary be issued to Applicant as Independent Executor of said estate, and for such other relief as the Court may deem proper.

Respectfully submitted,

RAUL X. VILLARREAL

Bar No. 20584500

809 S. St. Mary's

San Antonio, Texas 78205

(210) 472-2227

(210) 224-0661 FAX

ATTORNEY FOR APPLICANT

**ESTATE OF** 

REV. DANIEL LEE,

**DECEASED** 

IN THE PROBA **NUMBER** 

BEXAR COUNTY

PROOF OF DEATH AND OTHER FACTS

On this day, REV. DANIEL CORNELIUS LEE, ("Affiant in open Court, and after being duly sworn stated the following:

- 1. REV. DANIEL LEE, Decedent, died on June 9, 2007, in San Antonio, Bexar County, Texas at age of 84 years and four (4) years have not elapsed since the date of Decedent's death.
- 2. Decedent was domiciled and had a fixed place of residence in San Antonio. Bexar County, Texas on the date of death.
- 3. The document dated December 15, 2004, now shown to me and which purports to be Decedent's Will was never revoked so far as I know
- 4. Citation has been served and returned in the manner and for the length of time required by the Texas Probate Code.
- 5. That the Applicant, REV. DANIEL CORNELIUS LEE is not disqualified to receive Letters Testamentary and is entitled to such letters.

SIGNED this4 <sup>th</sup> _ day of	f So 2007
	new ) and ( ) continued
	REV. DANIEL CORNELIUS LEE
SUBSCRIBED AND SWORN CORNELIUS LEE, this 44 day of	TO BEFORE ME by REV. DAN(EL.)
my hand and seal of office.	2007, to certify afficing whitess.

Clerk of the Probate **County Texas** By: Deputy

VOE 0714 PG 4313



**ESTATE OF** 

REV. DANIEL LEE,

**DECEASED** 

IN THE PROBATE COURT | E | NUMBER

BEXAR COUNTY, TEKAS 4 2007

PROOF OF DECEDENT'S SIGNATURE

On this day ROGER WARNER, ("Affiant") personally appeared in personally appeared in personally appeared in personal after being duly sworn, stated the following:

I was personally acquainted with REV. DANIEL LEE, ("Decedent") and was well acquainted with the signature of Decedent. The document dated December 15, 2004, now shown to me and which purports to be Decedent's Will, has the signature of Decedent's subscribed thereto. On that date, Decedent was of sound mind and had attained the age of eighteen (18) years.

ROGER WARNER, Affiguit

SUBSCRIBED AND SWORN TO BEFORE ME by ROGER-WARNER, this day of SOP). 2007, to certify which witness my hand and seal of office.

Clerk of the County Count of Bexar County
Clerk, Probate Court No. 1
Texas

Bexar County, Texas

By:\_

Deputy

Denuty

## Case 5:19-mc-01360-JKP Document 1 Filed 11/21/19 Page 26 of 32

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		VO.			

OATH OF INDEPENDENT EXECUTOR

I do solemnly swear that the writing which has been offered for probate is the less will will of REV. DANIEL LEE, so far as I know or believe, and that I will truly perform all the duties of Independent Executor of the Estate of REV. DANIEL LEE, Deceased.

REV. DANIEL CORNELIUS LEE

GERRY RICKHOFF
Notary Public State of Phase Court No. 1

Debut

# 200 PC2379

**ESTATE OF** 

IN THE PROBATE COURT

REV. DANIEL LEE,

**NUMBER** 

**DECEASED** 

BEXAR COUNTY, TEXAS

# ORDER ADMITTING WILL TO PROBATE AND AUTHORIZING LETTERS TESTAMENTARY

On this day came on to be heard the Application for Probate of Will and Issuance of Letters of Testamentary filed by REV. DANIEL CORNELIUS LEE, ("Applicant") in the Estate of REV. DANIEL LEE, Deceased ("Decedent").

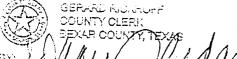
The Court, having heard the evidence and having reviewed the Will and other documents filed herein, finds that the allegations contained in the Application are true; that notice and citation have been given in the manner and for the length of time required by law; that Decedent is dead and that four years have not elapsed since the date of Decedent's death; that this Court has jurisdiction and venue of the Decedent's estate; that Decedent left a Will dated December 15, 2004, executed with the formalities and solemnities and under the circumstances required by law to make it a valid Will; that on such date Decedent had attained the age of 18 years and was of sound mind; that such Will was not revoked by Decedent; that no objection to or contest of the probate of such Will has been filed; that all the necessary proof required for the probate of such Will has been filed; that the two (2) witnesses present at the execution of this Will filed a proof of signature of the Decedent; that all the necessary proof required for the probate of such Will has been made; that such Will is entitled to probate; that in said Will, Decedent named his son, REV. DANIEL CORNELIUS LEE, as Independent Executor to serve without bond; who is duly qualified and not disqualified by law to act as such, and to receive Letters Testamentary.

It is therefore ORDERED, ADJUDGED and DECREED that such Will is

CERTIFIED COPY CEAdmitted to probate, and the Clerk of this Court is ORDERED to record the Will, together the page to which this certificate is affixed may have been lawfully altered to reduct confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office

VBE 0714 PB 4316





with the Application in the minutes of this Court.

It is therefore ORDERED, ADJUDGED and DECREED that no bond or other security is required and upon the taking and filing of the oath as required by law, Letters Testamentary shall issue to REV. DANIEL CORNELIUS LEE, who is appointed Independent Executor of Decedent's Will and Estate, and no other action shall be had in this Court other than the return of an Inventory, Appraisement and List of Claims as required by law.

SIGNED AND ENTERED this \_

day of \_\_

\_\_, 2007.

U .......

SEP 0 4 2007

GERRY RICKHOFF CLERK PROBATE COURT NO. 1 IODGE LKEZI

STATE OF TEXAS COUNTY OF BEXAS.
CERTIFIED COPY CERTIFICATE
The page to which this certificate is affixed may have been lawfully altered to reduct confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office ATTESTED:

JAN 05 2012

GERAAD FJOKHOAF COUNTY CLEBY BEXAR COUNTY, TEXAS VELO714 P64317

NO.	2007PC2379
	20071 02073

ESTATE OF REV. DANIEL LEE, DECEASED

IN PROBATE COURT
BEXAR COUNTY, TEXAS
IN MATTERS PROBATE

## LETTERS TESTAMENTARY

The State of Texas

County of Bexar	
I, GERARD RICKHOFF, Clerk of the Probate Court of Bexar County, Texas, DO HE CERTIFY, that the last Will and Testament of the above named deceased has been admit to Probate and on the 4th day of September A.D., 2007, REV. DANIEL CORNELIUS LEE	
qualified according to law as <u>INDEPENDENT EXECUTOR</u> of Estate of <u>REV. DANIEL LEE, DECEASED</u>	the
and that said appointment is in full force and effect.	
Given under my hand and seal of office at San Antonio, Texas, the <u>4th</u> da September A.D., <u>2007</u> .	y of
Grant and the market	





GERARD RICKHOFF, CLERK, PROBATE COURT NO. 1
BEXAR COUNTY, TEXAS

By Will Murra, Deput

TERESA GUERRA

NO. 2007-PC-2379

**ESTATE OF** 

IN THE PROBATE COURT PROBATE

REV. DANIEL LEE,

NUMBER TWQ007 SEP | 7 PM 3: 33

DECEASED

BEXAR COUNTY, TEXASCKHOFF

INVENTORY APPRAISEMENT AND LIST OF CHARMST TEAST BY WILLIAM BY WIL

TO THE HONORABLE JUDGE OF SAID COURT:

REV. DANIEL CORNELIUS LEE, Independent Executor of the Estate of REV. DANIEL LEE, Deceased, submits for the Court's approval the following true and complete Inventory, Appraisement and List of Claims of all property of the estate that has come to his possession or knowledge, valued as of June 9, 2007, the date of death, together with a list of claims due and owing to the estate. The following property is the separate property of the Decedent:

## I. REAL PROPERTY:

The house and lot located at 843 F. Street San Antonio, Bexar County, Texas and better described as NCB 10274, Bock 14, Lots 33 and 34

\$97,840.00

### II. PERSONAL PROPERTY:

A. Furniture and furnishings located at 843 F. Street San Antonio, Texas

\$1,000.00

B. 1995 Park Ave., Automobile VIN #1G4CW52K2SH604091

\$4,000.00

C. 2005 Chrysler 300 Sedan VIN #2C3JA63H95H104371

\$16,000.00

TOTAL: \$118,840.00

#### III. LIST OF CLAIMS: None

WHEREFORE, REV. DANIEL CORNELIUS LEE, Independent Executor, requests that this Inventory and List of Claims be approved and ORDERED entered of record.

Respectfully submitted

REV. DANIEL CORNELIUS LEE,

REV. DANIEL LEE, Deceased

Independent Executor of the Estate of

RAUL X. VILLARREAL 20584500

809 S. St. Mary's

San Antonio, Texas 78205

(210) 472-2227

(210) 224-0661 FAX

ATTORNEY FOR INDEPENDENT EXECUTOR

SG

STATE OF TEXAS

COUNTY OF BEXAR

KNOW ALL MEN BY THESE PRESENTS:

## **OATH**

I, REV. DANIEL CORNELIUS LEE, Independent Executor of the Estate of REV. DANIEL LEE, having been duly sworn, hereby state on oath that the foregoing Inventory, Appraisement and List of Claims is a true and complete statement of all of the property and claims of the estate that have come to my knowledge.

REV. DANIEL CORNELIUS LEE, Independent Executor of the Estate of REV. DANIEL LEE, Deceased

SWORN TO AND SUBSCRIBED BEFORE ME by the said REV. DANIEL CORNELIUS LEE, on this 3 day of Seprember 2007, to certify which witness my hand and seal of office.

RAUL X. VILLARREAL NOTARY PUBLIC STATE OF TEXAS My Gemm, Exp. 07-17-2009

Notary Public, State of Texas

NO. 2007-PC-2379

**ESTATE OF** 

IN THE PROBATE COURT

REV. DANIEL LEE,

NUMBER ONE

**DECEASED** 

BEXAR COUNTY, TEXAS

## ORDER APPROVING INVENTORY, APPRAISEMENT AND LIST OF CLAIMS

On this day came on to be considered the foregoing Inventory, Appraisement and List of Claims of REV. DANIEL CORNELIUS LEE, Independent Executor of the Estate of REV. DANIEL LEE, and the Court having considered and examined the same and being satisfied that it is in due form as required by law and is true and correct, and no objections having been made thereto;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the foregoing Inventory, Appraisement, and List of Claims is hereby approved and ordered entered of record.

SIGNED this 2nd day of Other, 2007.

OC: 0 A 2007

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